

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

**UNOPPOSED MOTION TO CONTINUE SENTENCING**

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and respectfully requests a continuance of the sentencing hearing in this case. In support thereof, we would show the following:

1. A sentencing hearing is set in this case for February 15, 2007 at 9:00 a.m.
  2. The parties entered into a plea agreement by which the defendant agreed to plead guilty to the 1 count Indictment filed in the Middle District of Alabama, and to the 1 count Information filed in the Southern District of Indiana.
  3. Through no fault of the Office of the United States Attorney for the Middle District of Alabama or the defendant, the 1 count Information has not been filed in the Middle District of Alabama, and therefore the defendant has not been able to comply with the terms of the plea agreement.
  4. Counsel for the government is working diligently to have the Indiana Information transferred to the Middle District of Alabama to allow the defendant to fulfill the terms of the plea agreement but does not believe that such can or will occur in sufficient time to have the matter before this Court at the present sentencing date.
  5. The parties agree that in the interest of judicial economy and the right of the parties

to have a fair and complete judicial process, the sentencing hearing should be continued to allow the parties an opportunity to fully satisfy the terms of the negotiated plea agreement.

6. The undersigned has contacted Kevin L. Butler, attorney for defendant, who has stated that he will not file an objection to this request.

7. The defendant will not suffer any prejudice should the Court grant this motion. For the reasons stated above, the United States requests that this Honorable Court grant a continuance of the sentencing hearing in this case, currently set for February 15, 2007 at 9:00 a.m.

Respectfully submitted this the 23<sup>rd</sup> day of January, 2007.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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## CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Kevin L. Butler.

Respectfully submitted,

LEURA GARRETT CANARY  
UNITED STATES ATTORNEY

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